

Appl. No. 09/848,520
Atty. Docket No. 8070ML\$
Amdt. dated June 1, 2006
Reply to Office Action of February 1, 2006
Customer No. 27752

REMARKS

I. Introduction.

Claims 1-3, 5-7, 9-13, 15, and 17-25 are currently pending, and stand rejected. Claims 18, 20, and 21 were rejected under 35 U.S.C. Section 101. Claims 1-25 were rejected under 35 U.S.C. Section 103(a).

II. The 35 U.S.C. Section 101 Rejections.

Claims 18, 20, and 21 were rejected under 35 U.S.C. Section 101 for purportedly being drawn to non-statutory subject matter.

The Office Action states in the Response to Arguments section that these claims "go beyond" the limitations of independent claim 17 by specifically claiming a signal bearing medium. The Office Action further states that Claim 21 further recites a non-statutory "carrier wave" and does not fall into one of the four statutory classes (i.e. not physical matter).

The Applicants have amended Claims 18-21 so that these claims are directed to a process. The Applicants expressly do not concede, however, that they consider the grounds for rejection to be proper.

III. The 35 U.S.C. Section 103(a) Rejections.

Claims 1-25 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over "A Quick Overview of ReliaSoft's BlockSim", Product Description BlockSim 1.0, ReliaSoft Corp. Jan 2000 in view of "Empirical Bayes Estimation of the Reliability for Nuclear-Power Plant Emergency Diesel Generators", Martz et al Technometrics, Vol 38, No. 1, February 1996.

The Office Action acknowledges on page 8 of the same that BlockSim 1.0 does not explicitly disclose that the data collected include one or more false start

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events. The Office Action states that Martz specifically discloses analysis of data inclusive of false start events. The Office Action concludes that it would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to modify the teachings of BlockSim relating to analyzing the failure mode of a system inclusive of computing uptime/downtime, with the teachings of Martz relating analysis of data inclusive of false start events, to realize the elements of the claimed invention.

The Applicants respectfully request that this rejection be reconsidered and withdrawn. Claim 1 has been amended to specify that the simulation process is for analyzing a manufacturing system, and to specify that at least one false start event has a zero uptime. This is intended to address situations when manufacturing products where the manufacturing system is started and it attempts to ramp up, but no good product is produced. There could be more than one false start event in succession. A new false start event would occur each time there is an attempt to start the manufacturing system. Existing programs are not believed to collect this information, and would simply view the occurrence of more than one false start event in succession as continuous downtime.

The combination of references would not render the claimed invention obvious. The BlockSim 1.0 program does not even provide a mechanism for collecting zero uptime data. It is apparent that the BlockSim 1.0 program has not contemplated collecting and analyzing zero uptime data. As set forth in the accompanying Rule 1.132 Declaration of Jonathan S. Tan, if an attempt is made to enter zero uptime data into the BlockSim 1.0 program, the software will lock up. For the reasons stated in the accompanying Declaration, a person of ordinary skill in the art of design of simulation processes would not have modified the teachings of BlockSim relating to analyzing failure modes of a system inclusive of computing uptime/downtime, with the teachings of Martz relating to analysis of data inclusive of false start events as suggested in the Office Action.

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IV. The IDS Submission.

The Office Action states that the information disclosure statements filed on February 28, 2005 and November 22, 2005 fail to comply with 37 CFR 1.98(a)(3) because no specific publications have been referenced.

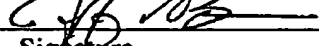
A revised Supplemental Information Disclosure Statement is being submitted herewith which lists the matters disclosed on the prior Forms PTO/SB08 as "Additional Information", rather than as Non-Patent Literature Documents.

V. Summary.

All of the rejections have been addressed. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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